IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.81473-M of 2006

DATE OF DECISION: JANUARY 30, 2007

Anil Kumar

...PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Baldev Singh, Sr.Advocate
with Mr.Sudhir Sharma, Advocate,
for the petitioner.
Mr.Partap Singh, Sr.DAG, Haryana.
Mr.Kulbhushan Sharma, Advocate,
for the complainant.

...

Petitioner Anil Kumar apprehending his arrest in a non-bailable offence in case FIR No.438 dated 11.12.2006 registered under Sections 420/406 and 120-B IPC at Police Station Old Faridabad, District Faridabad, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

I have heard the counsel for the parties.

While issuing notice of motion, interim anticipatory bail was granted to the petitioner on December 23, 2006. Counsel for the petitioner has placed on record the copy of the agreement (Annexure A1) arrived at between Delhi Public School, Faridabad and M/s. Horizon Institute, New Delhi. According to the said agreement, for extra coaching, the students of Class XI have to pay Rs.15,000/- and students of Class XII have to pay Rs.10,000/-. As per the said agreement, the students are required to pay the said amount directly to the firm M/s. Horizon Institute of New Delhi. Counsel for the petitioner further contends that in this case the petitioner has not charged any amount and whatsoever amount is paid, the same has been paid to the firm M/s. Horizon Institute and not to the petitioner.

Counsel for the petitioner contends that in terms of the interim order dated December 23, 2006, the petitioner has already joined the investigation. It is the case of the complainant that instead of charging Rs.15,000/- and Rs.10,000/- in two years, the entire amount of Rs.25,000/- has been paid in cash to the petitioner at the beginning of Class XI. Except this oral statement of the complainant, there is no other evidence on the record. In my opinion, the custodial interrogation of the petitioner is not required as he will join the investigation as and when called upon to do so by the police.

In view of the above, the interim order dated December 23, 2006 is made absolute on the same terms and conditions.

Disposed of accordingly.

January 30, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE